

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: 03/26/2012
POSITION: Neutral

BILL NUMBER: AB 2383
AUTHOR: Ammiano, Tom

BILL SUMMARY: Vehicles: public records: access by certain officials.

This bill would require that a city attorney of a city and county and his or her investigators have access, including, but not limited to, telephone access to specified records of the Department of Motor Vehicles.

FISCAL SUMMARY

The Department of Motor Vehicles (DMV) estimates costs to be minor and absorbable.

COMMENTS

Finance is neutral on the bill because it would provide the San Francisco City Attorney's office with access to the DMV's records. This office previously had access but, based on an audit by DMV, lost access because the law granted access to city attorney's offices of "cities," but did not include a "city and county," which is how San Francisco is chartered.

Existing law provides that the Attorney General, district attorneys, law enforcement agencies, city attorneys prosecuting misdemeanor actions, public defenders, and public defender investigators shall have access, including, but not limited to, telephone access, to DMV records.

This bill would additionally require that a *city attorney of a city and county* and his or her investigators also have access to DMV records, rather than only city attorneys prosecuting misdemeanors.

The San Francisco City Attorney serves as legal counsel for all city departments and agencies, and functions as the district attorney for those departments and agencies that operate with county functions such as the Human Services Agency. For twenty one years, the San Francisco City Attorney's Office had full access to DMV records at the law enforcement level, which allowed it to utilize DMV license photos in situations such as serving parents who may be trying to evade notice of dependency hearings. Last year the DMV reclassified the San Francisco City Attorney's office which resulted in the discontinuation of full DMV access available to district attorneys, including driver license photos. The DMV now requires the San Francisco City Attorney's office to access DMV license photos through its local law enforcement, which requires an extra step in tasks such as restraining order and process serving.

Code/Department Agency or Revenue Type	SO	(Fiscal Impact by Fiscal Year)					
	LA	(Dollars in Thousands)					
	CO	PROP					Fund
	RV	98	FC	2011-2012 FC	2012-2013 FC	2013-2014	Code
2740/DMV	SO	No		-----	Minor Fiscal Impact	-----	0044
<u>Fund Code</u>	<u>Title</u>						
0044	Motor Vehicle Account, STF						

Analyst/Principal (0744) K.Amann	Date	Program Budget Manager Mark Hill	Date
Department Deputy Director			Date
Governor's Office:	By:	Date:	Position Approved _____ Position Disapproved _____
BILL ANALYSIS			
			Form DF-43 (Rev 03/95 Buff)